

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Trustees of the Operating Engineers Local 137, 137A,
137B, 137C & 13R Annuity, Pension, Welfare and
Apprenticeship Skill Improvement & Safety Funds of the
International Union of Operating Engineers,
Local 137, 137A, 137B, 137C & 137R,

Plaintiffs,

-against-

CASABELLA CONTRACTING OF NY, INC.,
LAURA MARCELA PIGNATARO, Individually,
FRANK PIGNATARO, Individually,

Defendant.
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Index No.: 7:21-cv-09212-VB

**NOTICE OF MOTION
FOR ORDER TO SHOW
CAUSE FOR
WITHDRAWAL OF
COUNSEL OF RECORD
FOR CASABELLA
CONTRACTING OF NY,
INC. AND FRANK
PIGNATARO**

Assigned Judge:
Hon. Vincent L. Briccetti

PLEASE TAKE NOTICE that upon the annexed Declaration of Joshua E. Mackey, Esq., the accompanying Memorandum of Law, and all prior pleadings and proceedings heretofore had herein, Mackey Butts & Whalen, LLP (“MBW”) will move this Court before the Honorable Vincent L. Briccetti, U.S. Magistrate Judge, at the United States District Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an Order:

(a) Relieving MBW as attorneys of record for Defendants, Casabella Contracting of NY, Inc. (“Casabella”) and Frank Pignataro, Individually (“Pignataro”) (collectively, “Defendants”) pursuant to Local Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York and the discretion of the Court;

(b) Fixing the amounts of MBW’s common law lien in the sum of \$10,124.75;

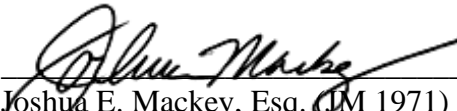
(c) Permitting MBW to retain Defendants' files and papers in accordance with its retaining lien and requiring MBW to release such files only upon satisfaction of the lien amount in accordance with such terms as the Court may require; and

(d) Staying further proceedings in this matter for thirty (30) days to afford Defendants a reasonable opportunity to retain new counsel or proceed *pro se*.

PLEASE TAKE FURTHER NOTICE that Pursuant to Federal Rule of Civil Procedure 6, Local Civil Rule 6.1(b), and Local Civil Rule 6.4, unless otherwise ordered by the Court, a response to this motion must be served within fourteen (14) days after service of this motion.

Dated: Millbrook, New York
March 10, 2023

MACKEY BUTTS & WHALEN, LLP
Attorneys for Defendants Casabella
Contracting of NY, Inc. and Frank Pignataro,
Individually



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